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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Wagner, et al. Examiner: P. Gambel  
Serial No.: 09/883,642 Art Unit: 1644  
Filing Date: June 18, 2001  
For: METHODS FOR TREATING AND PREVENTING ATHEROSCLEROSIS

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA, 22313-1450 on August 23, 2004.

  
Patricia McKenney

COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, VA 22313-1450

**:RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sirs:

This is in response to the Office Action of July 27, 2004, in the above-identified patent application.

**REMARKS**

In the Office Action of July 27, 2004, claims 39-52, 61-68, 71-73 and 76-79 have been subject to restriction under 35 U.S.C. § 121. In the restriction requirement, the Examiner states that the claims can be interpreted to read on antibodies that bind to P-selectin, as well as

antibodies that bind to both P-selectin and E-selectin or L-selectin. The Examiner further notes that that disclosure does not appear to support antibodies that bind to all three selectins, i.e. P-selectin, E-selectin and L-selectin. Finally, the Examiner requires that applicants elect a single disclosed species for further prosecution on the merits, and to indicate whether any pending claims are generic.

Applicants note that claim 39 is directed to methods for treating or inhibiting atherosclerosis by administering an antibody inhibiting the interaction between P-selectin and a ligand of P-selectin, and E-selectin and a ligand of E-selectin. Thus, claim 39 is generic to the remaining claims, which it is noted, are all dependent on claim 39. None of the pending claims are directed to antibodies that bind to L-selectin as asserted. Support for the present claim scope is found on page 12, lines 21-26 of the specification.

Accordingly, in view of the aforementioned remarks, and to resolve any ambiguity, applicants elect for further prosecution on the merits the invention described in claim 39 and all claims dependent thereon. It is understood that allowance of the generic claim will entitle applicants to consideration of the remaining dependent claims as well.

In view of the foregoing, prompt and favorable action on this application is respectfully requested.

Respectfully submitted,

by William Gosz  
William G. Gosz  
Reg. No. 27,787  
Ropes & Gray  
One International Place  
Boston, MA  
Attorneys for Applicant(s)  
Tel. No. (617) 951-7000